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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,372	01/04/2002	Randall Budd Kramer	401045-A-01-US	6802

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
2662	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/037,372	KRAMER, RANDALL BUDD	
	Examiner	Art Unit	
	Mohammad S. Adhami	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 April 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On lines 8-10 the active call processing device sends a copy of the call requests to the inactive and active call processing device. How can the active call processing device send a copy to itself?

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4, and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manning (US 5,909,427) in view of Kasper (US 6,941,391).

Re claims 1-3:

(Re claim 1 and 3) Manning discloses "two call processing devices, wherein one of the two call processing devices is active and the other one of the two call processing devices is inactive" (Col. 2 lines 61-64 "Background switch

control module...operates in the background and serves as a redundant module in the event that foreground switch control module...fails or is taken out of service"), "and the active one of the two call processing devices received a call request and generates a routing instruction", (Re claim 3) "[sending] a copy of the plurality of call requests to the inactive call processing device", and (Re claim 1 and 3) "an interconnecting means for connecting the two call processing devices" (Col. 3 lines 1-4 "Each I/O module provides this information to the inputs of a foreground switch fabric...of foreground switch control module and background switch control module" where the "active" and "inactive call processing devices" are interconnected through the I/O module and Col. 3 lines 7-9 "the communication information provided by each I/O module is properly routed or mapped to the appropriate destination"), "at least two port network controllers interfacing with the two call processing devices" (Figure 1 where the I/O module, reference numbers 14-18, are the "port network controllers" and reference numbers 10 and 12 are the two call processing devices), and a "port network controller [processing] the call routing instruction" (Col. 3 lines 65-67 "cell flow processor...uses TSPP...to process the information" where the cell flow processor is part of the I/O module as shown in Figure 1 with reference 38).

Manning does not explicitly disclose "a means for assigning one of the at least two port network controllers as the master port network controller" and "a token bus interconnecting the at least two port network controllers, wherein one of the at least two port network controllers request a token and the one of the at

least two port network controllers that receives the token is the master port network controller."

Kasper (US 6,941,391) discloses (Re claims 1-3) "a means for assigning one of the at least two port network controllers as the master port network controller" and "a token bus interconnecting the at least two port network controllers" (Col. 6 lines 18-19 "the controller...negotiates to become a bus master" and Figure 1 where multiple "port network controllers", reference 40, are shown connected on a bus, reference 42), "wherein one of the at least two port network controllers request a token and the one of the at least two port network controllers that receives the token is the master port network controller" (Col. 7 lines 62-66 "The host only gives the controller...ownership of descriptors...when it has one or more frames ready for transmission" where the descriptor is a "token" and as stated earlier, the controller negotiates for the "token" or descriptor).

Manning and Kasper are analogous because they both pertain to network communications.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Manning to include the above limitations as taught by Kasper in order "to determine which of the candidate control points is currently providing management functions" (Glowny US 5,758,052 Col.1 lines 39-41).

Re claim 4:

Manning discloses "a communication channel interconnecting the two or more port network controllers to the active call processing device and the inactive call processing device" (Figure 1 reference 42 and 40, where these are the type of connections between the call processing device and the port network controller and Figure 2), "wherein the active call processing sends the plurality of call routing instructions to the master port network controller via the communication channel" (Col. 5-6 lines 66-67 and 1-2 "first I/O serial data signal 40, as provided at the output of the foreground switch fabric 26, is a communication cell that is provided to the designated I/O module" where the reference numbers are from Figure 1).

Re claim 6-9:

Manning discloses (Re claim 6 and 9) "active call processing devices connected to an inactive call processing device via a communication link" (Col. 3 lines 1-4 "Each I/O module provides this information to the inputs of a foreground switch fabric...of foreground switch control module and background switch control module" where the "active" and "inactive" call processing devices are interconnected through the I/O module), "the active call processing device [processing] a plurality of call requests and [transmitting] a plurality of call routing instructions over a channel to a plurality of port network controllers" and (Re claim 6,7, and 9) "sending a second instruction from the inactive call processing to a second one of the plurality of port network controllers" (Col. 3 lines 7-9 "the

communication information provided by each I/O module is properly routed or mapped to the appropriate destination" where the instruction can be sent from the "active" or "inactive call processing device").

Manning does not explicitly disclose "instructing the at least one of the plurality of the plurality of port network controllers to operate as the master port network controller; sending at least one request for a token from the at least one of the plurality of port network controllers that received the at least one instruction; and giving the token to one of the at least one of the plurality of port network controllers that sent the at least one request for a token, wherein the one of the plurality of port network controllers that receives the token operates as the master port network controller."

Kasper discloses (Re claim 6 and 9) "instructing the at least one of the plurality of the plurality of port network controllers to operate as the master port network controller" (Col. 6 lines 18-19 "the controller...negotiates to become a bus master"), (Re claim 6,8, and 9) "sending at least one request for a token from the at least one of the plurality of port network controllers that received the at least one instruction" (Col. 7 lines 37-39 "The host...is obligated to read a master interrupt register (MIR) in order to surmise the specific port issuing the signal" where any of the port network controllers can send a request), (Re claim 6 and 9) "and giving the token to one of the at least one of the plurality of port network controllers that sent the at least one request for a token, wherein the one of the plurality of port network controllers that receives the token operates as the

master port network controller" (Col. 7 lines 62-67 "The host only gives the controller...ownership of descriptors...when it has one or more frames ready for transmission" where the descriptor is a "token" and once the descriptor is received, the controller is "the master port network controller").

Manning and Kasper are analogous because they both pertain to network communications.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Manning to include the above limitations as taught by Kasper in order "to determine which of the candidate control points is currently providing management functions" (Glowny US 5,758,052 Col.1 lines 39-41).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manning in view of Kasper as applied to claim 3 above, and further in view of Chrabaszcz (US 6,701,453).

As discussed above, Manning in view of Kasper meets all the limitations of the parent claims.

Manning in view of Kasper does not explicitly disclose "a communication link interconnecting the inactive call processing device and the active call processing, wherein when the communication link fails the inactive call processing device transitions to an active state."

Chrabaszcz discloses "a communication link interconnecting the inactive call processing device and the active call processing, wherein when the communication link fails the inactive call processing device transitions to an

active state" (Col. 15 lines 7-8 "the backup server continually monitors the LAN communication between itself and the primary server" and lines 22-24,45, and 46 "if this determination is in the affirmative i.e., that the primary server is no longer responding to the secondary server's NCP packets, then...the second server mounts the object i.e., physically assumes control over the object" where a failure in the link between the primary and secondary server would result in the primary server not responding to the communication of the secondary server, thus causing the second server to transition into "an active state").

Manning in view of Kasper and Chrabaszcz are analogous because they all pertain to network communications.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Manning in view of Chrabaszcz to meet the above limitations in order to provide "a fault tolerant system" (Chrabaszcz Col. 3 line 19).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Quarles (US 5,996,001) and Busschbach (US 6,202,170) show a system with an active and inactive call processing device. Jensen (US App. 2002/0186653) shows picking a mast port network controller. Traeger (US 5,978,569) shows requesting a token.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad S. Adhami whose telephone number is (571)272-8615. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571)272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSA 10/14/2005

JOHN PEZZLO
PRIMARY EXAMINER